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U.S. DISTRICT COURT

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**IN THE UNITED STATES DISTRICT COURT DISTRICT FOR
THE DISTRICT OF UTAH, CENTRAL DIVISION**

RUSSELL G. GREER,

Plaintiff

v.

JOSHUA MOON, publisher of the website
Kiwi Farms, and **KIWI FARMS**, a website

Defendants

**PLAINTIFF'S REPLY TO
DEFENDANTS' OPPOSITION
RESPONSE TO PLAINTIFF'S MOTION
TO FILE SUPPLEMENTAL BRIEF**

Case No.: 2:20-cv-00647

Judge Tena Campbell
Magistrate Judge Jared C. Bennett

INTRODUCTION

Pursuant to Local Rule DUCiVR 7-1(3)(B), Plaintiff files a timely Reply in response to Defendants' Opposition Motion.

PLAINTIFF'S MOTION NOT IN BAD FAITH

Defendants insist in their Opposition Motion that Plaintiff is somehow attempting to delay the Court with his Motion to file the Supplemental Brief. This is a litigation tactic that Defendants have been using throughout this case. They gaslight and twist everything Plaintiff writes. Their allegations of bad faith Court stalling could be further from the truth. Plaintiff filed the Motion to File Supplemental Brief because people are hurting as a result of Defendants, which is shown in **Exhibit A**. The Online Petition to shut down Kiwi Farms, that Plaintiff referenced in Doc. 25, is now at 15,000 signatures, with people writing: as recently as three weeks ago: "To hell with Kiwi Farms. Make those f^**ckers burn for ALL the people they've hurt and killed." Another comment reads: "The ability to slander anonymously and doxx without threat of consequences, must be abolished." Matthieu writes: "The fact that KF is still up after involvement in the suicides of many people is utterly disgraceful." Krimson Kat wrote on July 2021: "I'm a victim of Kiwi Farms myself. I've been considering suicide for a long time. I'm tired. So tired. I just want to try to live my life free of a site like this...".

Website Gizmodo calls Kiwi Farms "the worst site on the web." *The Worst Site on the Web Gets DDoS'd After Being Connected to Prominent Developer's Suicide*. Gizmodo. (2021). (<https://www.google.com/amp/s/gizmodo.com/the-worst-site-on-the-web-gets-ddosd-after-being-conne-1847196197/amp>). **EXHIBIT B**.

But as this Court knows well, being offended or outraged by something isn't enough to give a Plaintiff standing to sue. *Golden v. Zwickler*, 394 U.S. 103, 109-10 (1969). However,

Plaintiff has suffered real harms by having his intellectual property stolen by Kiwi Farms; being taunted by Joshua Moon over email when asked to remove Greer's intellectual property; being defamed, etc. Since Defendants argue in their motions that they have done nothing wrong, Plaintiff was filing a supplemental brief to rebut that notion. To show that people are literally being harassed by Kiwi Farms; being bullied to death.

For Defendants' counsel to continually downplay the suicides is completely insulting, when they write on page 4 of their Opposition Motion that the subject of the website who killed themselves "somehow makes the site liable." The harassment has extended far past the website. Mr. Moon has given these users a platform to target people and those people go out of their way to harass people. Plaintiff has shown how Moon's users have harassed him outside of that website, in his filings. Plaintiff hardly even visits that website. Plaintiff has shown many sources that link Kiwi Farms to the harassment of himself, Ginder and others. In the words of other victims, a Sam Ambreen explains how Kiwi Farms have continually targeted her on social media (locking her out of her accounts), making videos saying how they want to use an angle grinder on her private areas. **EXHIBIT C.** Sam describes how Mr. Moon himself made rape threats against her and his site targeted her relentlessly. A person named Sapphire writes that she had to shut her social media down because the KF users would harass her and she felt suicidal. A Google search shows she is indeed a topic on Moon's site. So by logic, she is telling the truth.

In fact, after David Ginder killed themselves, the users on Kiwi Farms were celebrating, by posting a picture of a tombstone and superimposing the words: "Here lies a troon. They became part of the 41% all because they got bullied on the website kiwifarms.net. LOL burn in fucking hell faggot LMFAO." **EXHIBIT D.** And then Mr. Moon wrote on his site that he questioned if the suicide was even real, instead of feeling remorse. Even reputable publications have documented Mr. Moon's site's harassment, such as The New Zealand Herald. Keep in mind: Mr. Moon is an American and resides in the USA. The reason the New Zealand Herald was covering

Moon was because his website held the video of the 2019 NZ mosque shooting. Moon, as reported by the NZ Herald, even admits he has nothing to do with the country, when he told an investigating NZ officer: “f***ck you and f***ck your shithole country. Kiwi Farms has nothing to do with New Zealand.” *Christchurch mosque shootings: Website Kiwi Farms refuses to surrender data linked to accused*. The NZ Herald. (2019).

(<https://www.nzherald.co.nz/nz/christchurch-mosque-shootings-website-kiwi-farms-refuses-to-surrender-data-linked-to-accused/YMW2OF5GE3C7EYAMJAPSDANKI/>). So all of this shows that Moon’s site is indeed liable for so much pain and suffering, that plaintiff and others have suffered.

Contrary to Defendants false assertions, Plaintiff shows all of this because he is involved in the present lawsuit with Mr. Moon, and since said site has recently AGAIN been linked to another suicide, Mr. Greer wanted to bring this death to the Court’s attention to not delay, but rather to bolster Greer’s arguments of the site’s true intentions. That it’s not just a “regular forum”.

PLAINTIFF IS NOT TRYING TO SUPPLEMENT COMPLAINT

Defendants asserted that Plaintiff was trying to Supplement his Complaint. Clearly, Plaintiff is not trying to supplement his complaint, but rather file a memorandum brief. As stated in the case caption and in his Motion, he is only trying to file a brief to bring awareness to recent events. For him to do that, per the FRCP, he has to seek leave of court. A brief, according to law.com, can be many things: a complaint, a motion in opposition or a memorandum brief. *Brief*. Dictionary Law.com. (<https://dictionary.law.com/Default.aspx?selected=100>).

Maybe his caption could have included the words “supplemental memorandum brief”, but a simple omission of a single word does not disqualify his request, when his motion clearly detailed what he was trying to do. “There is “no need . . . to penalize a litigant for mislabeling a motion.” *Rieser v. District of Columbia*, 580 F.2d 647, 655 (D.C. Cir. 1978)

PLAINTIFF EXPLAINED THE HARASSING ELEMENTS

Defendants claim that Greer hasn't explained how Skordas is harassing Greer, but that's just not true. Greer explained in his Motion that per FRCP Rule 11, an attorney cannot bring forth a suit for an improper purpose. Knowing everything that Mr. Skordas knows now about Moon and Kiwi Farms, why on earth would any attorney represent Moon, when they aren't constitutionally obligated to? Plaintiff has posed this same question to those close to him and they can only think of a simple dislike towards Greer. Given Skordas' pattern of representing those entangled with Greer, Skordas obviously feels impassioned to take on any case involving Plaintiff. It's like a shark smelling blood. When Greer's name is mentioned, it's like Skordas is summoned to answer the call of duty. Because again, as Plaintiff proposed in his motion, why didn't Skordas decline Defendants?

Plaintiff cites *ABA Rule 1.16* to help illustrate his point. Per the rule, an attorney should not accept representation that will cause a conflict of interest. Later in the Rule, it explains that a lawyer can withdraw if he finds things about the client to be "repugnant". *Rule 1.16[7]*. It is baffling that a former nominee for state attorney general, who was once a small claims judge and whose name is well-known throughout Utah, would not find it to be a conflict of interest to represent a person who has been involved in so many condemned actions; whose site has been connected to many suicides; who went into a profanity laced tirade against officers involving a mass shooting; who, per the NZ News article, has been linked to paedophilia and been accused of targeting children with online threats; who, per the article, is notorious for his stalking and harassment campaigns, which involve threats of rape and dismemberment. Apparently, those allegations are true because Moon never went after the publisher. Again, this isn't criminal law, where a lawyer has to represent unsavory people. This is civil law, where the lawyer is voluntarily representing a defendant and is essentially endorsing what Kiwi Farms has done.

Opposing counsel disparages Plaintiff by calling him a “serial litigant”, when he has only filed four lawsuits, including the current case, and those cases were filed in good faith (such as paying to meet a celebrity and losing 1,000 dollars and being discriminated against and so alleging he was denied his civil rights), but Skordas has no problem representing a serial tormenter, whose site is universally hated and has ruined Greer’s reputation, and that is why Plaintiff has felt harassed by the Skordas representation because any lawyer would have declined representation or would have asked for a lot of money (money over morality), which Moon supposedly has no assets, which is being revealed to be less and less true, which is why Plaintiff can’t find a lawyer to represent him because they all assume Moon has no assets and they want a lot of money for representation. It’s a very vicious cycle. And so the reasonable conclusion is that Mr. Skordas has beef with Greer and that is harassment; to only represent a lawsuit out of spite for the litigant.

If Skordas was truly representing Moon for Moon’s interests and for the just course of law, Skordas would advise Moon to close down his website or at least remove Greer from the site and settle the case because there is no way Moon can prevail on the copyright claims. As stated, Greer leaves it up to the Court for any sanctions. He just needed the Court to know the litigation history between Skordas and himself, and that is how Moon found Skordas. It’s a very long and complicated history that often times doesn’t seem real.

PLAINTIFF BELIEVES HE WILL WIN

Despite opposing counsel pretending to read Greer’s mind, Greer never has once said or felt that he would lose this case. The only hinderance Greer sees is the Communications Decency Act, which is why Greer made a declaratory request in his Complaint to have this Court declare Section 230 doesn’t protect Kiwi Farms and Moon. If that request is denied, then maybe Greer will lose out on the non-copyright claims. But Greer has shown that he has suffered harm, his complaint was filed within the statute of limitations, he has stated claims for relief. He has shown

Moon's involvement and actual knowledge pertaining to the willful infringement, which the CDA doesn't protect. Greer has shown jurisdiction and all of the needed elements in a successful suit. Even Magistrate Judge Bennett said in January that Greer had a case, after screening Greer's case.

Conclusion

The Motion to File the Supplemental Brief was not used to cause delay or to be used in bad faith. The Motion was filed to bring to this Court's attention the continuous harm the public and Plaintiff is facing with Kiwi Farms. Plaintiff hopes that this Motion will be allowed. He does hope the Defendants' Motion to Dismiss is denied and that this case can proceed.

Respectfully

DATED: September 5th, 2021

Respectfully submitted,

By: 

Russell Greer
Pro Se Litigant
/rgreer/

CERTIFICATE OF SERVICE

An electronic copy of the Motion for Leave to File Supplemental Brief has been sent to the following attorneys, Greg Skordas, via the court electronic filing system.